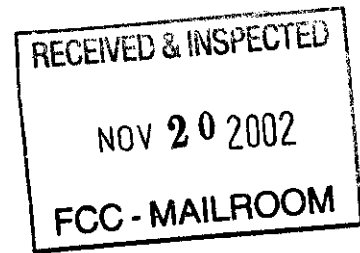


CINNAMON MUELLER
A Professional Limited Liability Company
307 North Michigan Avenue, Suite 1020
Chicago, Illinois 60601
Telephone: 312-372-3930
Facsimile: 312-372-3939



November 19, 2002

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission **DOCKET FILE COPY ORIGINAL**

9300 East Hampton Drive
Capitol Heights, MD 20743

Via Federal Express

**Re: In the matter of Application of EchoStar Communications Corporation, General Motors Corporation, and Hughes Electronics Corporation; CS Docket No. 01-348;
American Cable Association; Notice of Appearance and Motion to Accept Late-Filed Notice**

Dear Ms. Dortch:

On behalf of the American Cable Association, we attach three copies of the above referenced filing in CS Docket No. 01-348.

We also attach a copy of this filing and ask that you date-stamp and return it in the enclosed envelope.

Sincerely,

Christopher C. Cinnamon

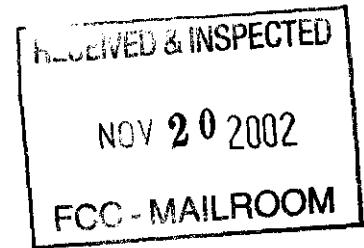
Enclosures

cc: Matt Polka

dortch 111902.doc

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List ABOVE

Before the
Federal Communications Commission
Washington, D.C. 20554



In re Consolidated Application of)

EchoStar Communications Corporation,)
General Motors Corporation,)
Hughes Electronics Corporation)

For Consent to Transfer Control.)

To: The Commission)

CS Docket No. 01-348

**Notice of Appearance
Motion to Accept Late-filed Appearance**



On behalf of over 930 small cable companies, the American Cable Association ("ACA") files its appearance in the hearing initiated by the Hearing Designation Order in the above-captioned docket, released October 18, 2002 ("Order"). The hearing fees referenced in the Order are inapplicable.¹ ACA also requests that the Commission accept this appearance as submitted one day after the established appearance date

As recognized in ¶ 297 of the Order, ACA is a party in interest to this proceeding, and the public interest requires that the Commission consider any evidence that ACA submits. The instant motion is being couriered to the Commission and mailed to other parties one day after the appearance date.² Applicants will have ample opportunity to

¹ See Public Notice, *EchoStar - DIRECTV Merger* (CS Docket No. 01-348), Fees for Participating in Hearing (rel. November 14, 2002)

² The Order was sent to all parties on October 28, 2002. The deadline for filing a notice of appearance in response to the Order is 20 days from October 28, 2002, but because November 17, 2002 fell on a

reply to any evidence submitted by ACA, and no unfair prejudice will result. Further, ACA's other filings in this docket have all been timely. Forfeiture of ACA's hearing rights is an extreme remedy to be employed only when a party's conduct is inexcusable or contumacious? Good cause exists insofar as ACA represents the interests of principally very small, rural cable companies and does so on extremely limited financial and personnel resources. In the past weeks, ACA and its representatives have been inundated by member concerns and inquiries concerning retransmission consent demands. The burdens these retransmission consent demands impose on small market cable operators are the subject of a Petition for Inquiry currently pending before the Commission.⁴

For these reasons, ACA respectfully requests the Commission grant this motion and accept this appearance.

Sunday, the deadline is therefore November 18, 2002. See Order at ¶¶ 292 and 297. See also 47 CFR § 1.221(e).


³ See *In re Application of Pine Tree Media, Inc.*, Memorandum Opinion and Order, 9 FCC Rcd. 2770 (1994), citing *Innovative Women's Media Association v. Federal Communications Commission*, 16 F.3d 1287 (D.C. Cir. 1994). See also *In re Application of Nancy Naleszkiewicz*, 7 FCC Rcd. 1797 (1992).

⁴ See *American Cable Association, Petition for Inquiry into Retransmission Consent Practices*, (filed October 1, 2002).

The undersigned verify that they have read this motion, and that to the best of their knowledge after reasonable inquiry, it is well grounded in fact, warranted by existing law, and not interposed for any improper purpose.

Respectfully submitted,

AMERICAN CABLE ASSOCIATION

By:  _____

Matthew M. Polka
President
American Cable Association
One Parkway Center
Suite 212
Pittsburgh, Pennsylvania 15220
(412) 922-8300

Christopher C. Cinnamon
Nicole E. Paolini
Cinnamon Mueller
307 North Michigan Avenue, Suite 1020
Chicago, Illinois 60601
(312) 372-3930
Attorneys for American Cable Association

November 19, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2002, a true and correct copy of the foregoing Motion to File a Late Notice of Appearance and Notice of Appearance of the American Cable Association in the Matter of Application of EchoStar Communications Corporation, General ivioiors Corporation, and Hughes Electronics Corporation (CS Docket No. 01-348), was submitted to the Federal Communications Commission via hand delivery and served via Federal Express and First Class Mail upon the following:

Via Federal Express:

Honorable Richard Sippel
Chief, Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Charles W. Kelley, Esquire
Chief, Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Served Via First Class Mail:

Arthur V. Belendiuk, Esquire
Smith Wick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, D.C. 20016
Counselor Johnson Broadcasting, Inc.

Jack Richards, Esquire
Keller and Heckman, LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Counselor National Rural Telecommunications Corp.

Kemal Kawa, Esquire
O'Melveny & Myers LLP
1650 Tysons Boulevard
McLean, Virginia 22102
Counselor Northpoint Technology, Ltd.

James W. Olson, Esquire
Howrey, Simon, Arnold & White, LLP
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
Counselor National Association of Broadcasters

Patrick J. Grant, Esquire
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20015-3000
Counselor Pegasus Communications Corporation

William D. Silva, Esquire
Law Offices of William D. Silva
5335 Wisconsin Avenue, N.W., #400
Washington, D.C. 20015-20003
Counselor WordNetwork

Peter Tannenwald, Esquire
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W., \$200
Washington, D.C. 20036-3101
*Counselor for Family Stations, Inc. and North
Pacific International Television, Inc.*

John R. Feore, Jr., Esquire
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W., \$800
Washington, D.C. 20036
*Counselor for Paxson Communications
Corporation*

Scott R. Flick, Esquire
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037
Counselor for Univision Communicatoris, Inc.

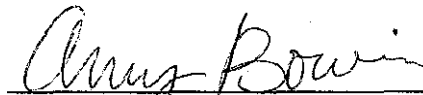
Patelis Michalopoulos, Esquire
Philip L. Malet, Esquire
Rhonda M. Bolton, Esquire
Steptoe & Johnson, LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795
*Counselor for EchoStar Communications
Corporation*

Debbie Goldman, Esquire
Communications Workers of America
501 Third Street, N.W.
Washington, D.C. 20001
Counselor for Communications Workers of America

Mark A. Balkin, Esquire
Hardy, Carey & Chautin
110 Veterans Boulevard #300
Metairie, LA 70005
Counselor for Carolina Christian Television, Inc.

Barry D. Wood, Esquire
Wood, Maines & Brown, Chartered
1827 Jefferson Place, N.W.
Washington, D.C. 20036
*Counselor for Eagle III Broadcasting, LLC and
Brunson Communications, Inc.*

Gary M. Epstein, Esquire
James H. Barker, Esquire
Arthur S. Landerholm
Latham & Watkins
555 11th Street, N.W., #1000
Washington, D.C. 20004
*Counselor for General Motors Corporation,
Hughes Electronic Corporation*


Amy Bowin